



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590



**APR 23 2004**

REPLY TO THE ATTENTION OF:

Sanicem Landfill Site

VIA FACSIMILE  
AND BY CERTIFIED MAIL/RETURN RECEIPT REQUESTED  
PROMPT REPLY NECESSARY  
URGENT LEGAL MATTER

RE: General Notice of Potential Liability  
Sanicem Landfill Site in Auburn Hills, Oakland County, Michigan

Dear Sirs:

The United States Environmental Protection Agency (U.S. EPA or the Agency) has determined that you may be liable under the Superfund law (also known as the Comprehensive Environmental Response, Compensation, and Liability Act, or CERCLA) and/or under the Resource Conservation and Recovery Act (also known as RCRA) for cleanup of, or costs the Agency has incurred in, cleaning up the Sanicem Landfill Site in Auburn Hills, Michigan. The approximate Site boundary is shown in the figure in Attachment 1.

U.S. EPA has spent, and is considering spending additional, public funds to investigate and control releases or potential releases of hazardous substances, pollutants, or contaminants at the Site that may represent an imminent and substantial danger to health or welfare or the environment. Responsible parties may also be liable for costs incurred by U.S. EPA in cleaning up the Site. Responsible parties under the Superfund law may include current and former owners and operators of the Site, as well as persons who sent hazardous substances to, or arranged for the transport, disposal or treatment of, hazardous substances at the Site. Responsible parties under RCRA may include any past or present generator or past or present owner or operator of a disposal facility for solid or hazardous wastes who have contributed to handling, storage, treatment, transportation or disposal of those wastes.

Based on the information it has collected, U.S. EPA believes that you may be a responsible party as a (1) generator, who by contract or agreement, arranged for the disposal, treatment, or transportation of substances at the Site that are now the source of potentially dangerous levels of methane or other contamination in the soil; and/or (2) current or previous owner or operator of the disposal areas which are now the source of potentially dangerous levels of methane or other contamination in the soil.

U.S. EPA has noted that a methane monitoring and extraction system has been installed in part of the Site. However, preliminary investigation of the nature, extent and source of the methane (by U.S. EPA and the Michigan Department of Environmental Quality) has indicated that it is necessary for U.S. EPA and/or the recipients of this notice letter to promptly conduct an Extent of Methane Contamination Study (Study) and implement a properly engineered Methane Extraction System (System) or other appropriate control technology. This System must, at a minimum: mitigate or eliminate threat of fire and/or explosion at the Site property and all immediately adjacent properties; and, be established with appropriate monitoring systems or protocols in order to verify proper and appropriate function of the selected control system.

The Study and System are authorized by CERCLA Section 104 and RCRA Section 7003. Before U.S. EPA takes these necessary response actions at the Site, it is offering you the opportunity to voluntarily perform or fund the work required to halt the release or threat of release of methane from the Site. Under CERCLA and RCRA, parties may be permitted to perform these actions if they can demonstrate their ability to fund and perform the work promptly and properly. If you are a qualified small business, enclosed is an U.S. EPA Small Business Regulatory Enforcement Fairness Act information sheet which may be helpful if you are subject to an U.S. EPA enforcement action.

Because of the previously described threats, response activities at the Site must begin as quickly as possible. Therefore, U.S. EPA does not intend to use the special notice procedures available under Section 122(e) of CERCLA.

The Agency would like to encourage communication among you, U.S. EPA, and any other potentially responsible parties at the Site. To foster this communication, U.S. EPA will conduct an informational meeting which the Agency encourages you and any other potentially responsible parties to attend. U.S. EPA has scheduled this meeting for 1:00 pm EST, Monday, May 3, 2004, at the U.S. EPA, Region 5 - Michigan office, 9311 Groh Road, Grosse Ile, Michigan. U.S. EPA hopes that this meeting will give you an opportunity to better understand and discuss the scope and requirements of the work to be performed, the nature and extent of the methane releases and the threats posed by those releases, and the basis for your potential liability.

To further assist you in your efforts to communicate, please find the following attached information:

1. A figure defining the approximate Site boundaries (Attachment 1).
2. A list of names and addresses of all parties to whom this letter is being sent. Inclusion on or exclusion from the list does not mean that U.S. EPA has made a final decision on a party's liability (Attachment 2).

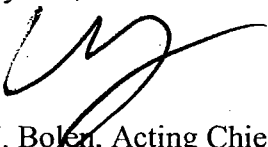
U.S. EPA is in the process of establishing a public repository that includes the Administrative Record for the Site. This record will contain documents that serve as the basis for U.S. EPA's selection of a cleanup action for the Site and will be available for public review and comment at a location near the Site to be determined in the near future.

U.S. EPA intends, at the direction of its On-Scene Coordinator, to begin response activities to support the Study and System installation by approximately May 12, 2004. You must notify U.S. EPA by May 10, 2004, if you wish to perform or fund all or part of the Study and System installation, or U.S. EPA will begin to take the necessary actions at the Site. If you have technical questions, please call U.S. EPA On-Scene Coordinator Jeff Kimble at (734) 692-7688. If you have any legal questions, please contact Tom Turner, Associate Regional Counsel at (312) 886-6613. If you have any other questions, please contact Debbie Regel, Enforcement Specialist, at (312) 353-7632, or by facsimile at (312) 886-0753. Please send your response to this letter to:

United States Environmental Protection Agency, Region 5  
Attn: Debbie Regel, Enforcement Specialist  
77 West Jackson Blvd., Mail Code: SE-5J  
Chicago, Illinois 60604

Thank you for your attention to this matter.

Sincerely yours,



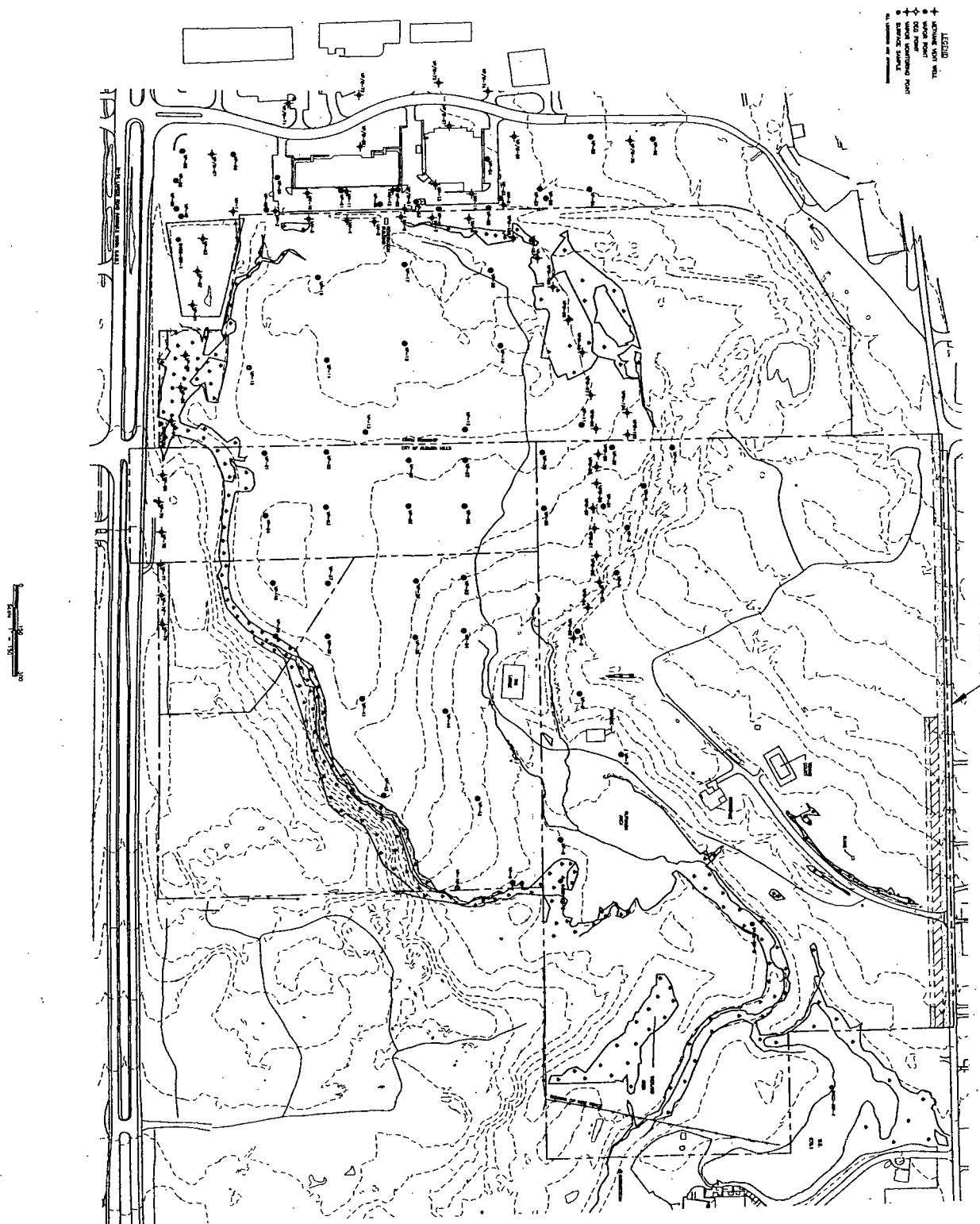
William J. Bohn, Acting Chief  
Emergency Response Branch

Enclosures

cc: Paul Bohn, Esq.  
Fausone, Taylor & Bohn, LLP  
41820 West Six Mile Road  
Suite 103  
Northville, MI 48167  
(Brown Road Group LLC)

Beth Gotthelf, Esq.  
Butzel Long  
100 Bloomfield Hills Parkway  
Suite 200  
Bloomfield Hills, MI 48304  
(Jacob Properties)

## ATTACHMENT 1



**Brown Road Group LLC**  
Lapeer Road, Oakland County

**ftch** 

**Fishbeck, Thompson, Carr & Huber**  
Engineers • Scientists • Architects

Grand Rapids, Michigan (616) 275-3824

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Hard copy is intended to be 34"x56" when plotted.  
Scale(s) indicated are not accurate for any other size.

Drawn By	
Designed	
Manager	

ATTACHMENT 2

**LIST OF PRPs SENT GENERAL NOTICE LETTER**  
**SANICEM LANDFILL SITE**

Brown Road Group LLC  
c/o Fred Gordon, Esq.  
Registered Agent  
115 South Main Street  
Suite 300  
Royal Oak, MI 48067

Jacob Properties  
c/o Mr. Steven E. Jacob, President  
1 Ajax Drive  
Suite 102  
Madison Heights, MI 48071



*Office of Enforcement and Compliance Assurance*  
**INFORMATION SHEET**

## **U.S. EPA Small Business Resources**

If you own a small business, the United States Environmental Protection Agency (EPA) offers a variety of compliance assistance and tools to assist you in complying with federal and State environmental laws. These resources can help you understand your environmental obligations, improve compliance and find cost-effective ways to comply through the use of pollution prevention and other innovative technologies.

### **EPA Websites**

EPA has several Internet sites that provide useful compliance assistance information and materials for small businesses. Many public libraries provide access to the Internet at minimal or no cost.

EPA's Small Business Home Page (<http://www.epa.gov/sbo>) is a good place to start because it links with many other related websites. Other useful websites include:

*EPA's Home Page*  
<http://www.epa.gov>

*Small Business Assistance Programs*  
<http://www.epa.gov/ttn/sbap>

*Compliance Assistance Home Page*  
<http://www.epa.gov/oeca/oc>

*Office of Site Remediation Enforcement*  
<http://www.epa.gov/oeca/osre>

### **Hotlines, Helplines and Clearinghouses**

EPA sponsors approximately 89 free hotlines and clearinghouses that provide convenient assistance on environmental requirements.

EPA's Small Business Ombudsman Hotline can provide a list of all the hot lines and assist in determining the hotline best meeting your needs. Key hotlines include:

**EPA's Small Business Ombudsman**  
(800) 368-5888

**Hazardous Waste/Underground Tanks/  
Superfund**  
(800) 424-9346

**National Response Center**  
(to report oil and hazardous substance spills)  
(800) 424-8802

**Toxics Substances and Asbestos Information**  
(202) 554-1404

**Safe Drinking Water**  
(800) 426-4791

**Stratospheric Ozone and Refrigerants  
Information**  
(800) 296-1996

**Clean Air Technical Center**  
(919) 541-0800

**Wetlands Hotline**  
(800) 832-7828

**Continued on back**

### **Compliance Assistance Centers**

In partnership with industry, universities, and other federal and state agencies, EPA has established national Compliance Assistance Centers that provide Internet and "faxback" assistance services for several industries with many small businesses. The following Compliance Assistance Centers can be accessed by calling the phone numbers below and at their respective websites:

#### **Metal Finishing**

(1-800-AT-NMFRC or [www.nmfrc.org](http://www.nmfrc.org))

#### **Printing**

(1-888-USPNEAC or [www.pneac.org](http://www.pneac.org))

#### **Automotive Service and Repair**

(1-888-GRN-LINK or [www.ccar-greenlink.org](http://www.ccar-greenlink.org))

#### **Agriculture**

(1-888-663-2155 or [www.epa.gov/oeca/ag](http://www.epa.gov/oeca/ag))

#### **Printed Wiring Board Manufacturing**

(1-734-995-4911 or [www.pwbrc.org](http://www.pwbrc.org))

#### **The Chemical Industry**

(1-800-672-6048 or [www.chemalliance.org](http://www.chemalliance.org))

#### **The Transportation Industry**

(1-888-459-0656 or [www.transource.org](http://www.transource.org))

#### **The Paints and Coatings Center**

(1-800-286-6372 or [www.paintcenter.org](http://www.paintcenter.org))

### **State Agencies**

Many state agencies have established compliance assistance programs that provide on-site and other types of assistance. Contact your local state environmental agency for more information. For assistance in reaching state agencies, call EPA's Small Business Ombudsman at (800)-368-5888 or visit the Small Business Environmental Homepage at <http://www.smallbiz-enviroweb.org/state.html>.

### **Compliance Incentives**

EPA provides incentives for environmental compliance. By participating in compliance assistance programs or voluntarily disclosing and promptly correcting violations, businesses may be eligible for penalty waivers or reductions. EPA has two policies that potentially apply to small businesses: The Audit Policy (<http://www.epa.gov/oeca/auditpol.html>) and the Small Business Policy (<http://www.epa.gov/oeca/>

[smbusi.html](http://www.epa.gov/oeca/smbusi.html)). These do not apply if an enforcement action has already been initiated.

### **Commenting on Federal Enforcement Actions and Compliance Activities**

The Small Business Regulatory Enforcement Fairness Act (SBREFA) established an ombudsman ("SBREFA Ombudsman") and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. The SBREFA Ombudsman will annually rate each agency's responsiveness to small businesses. If you believe that you fall within the Small Business Administration's definition of a small business (based on your Standard Industrial Code (SIC) designation, number of employees or annual receipts, defined at 13 C.F.R. 121.201; in most cases, this means a business with 500 or fewer employees), and wish to comment on federal enforcement and compliance activities, call the SBREFA Ombudsman's toll-free number at 1-888-REG-FAIR (1-888-734-3247).

### **Your Duty to Comply**

If you receive compliance assistance or submit comments to the SBREFA Ombudsman or Regional Fairness Boards, you still have the duty to comply with the law, including providing timely responses to EPA information requests, administrative or civil complaints, other enforcement actions or communications. The assistance information and comment processes do not give you any new rights or defenses in any enforcement action. These processes also do not affect EPA's obligation to protect public health or the environment under any of the environmental statutes it enforces, including the right to take emergency remedial or emergency response actions when appropriate. Those decisions will be based on the facts in each situation. The SBREFA Ombudsman and Fairness Boards do not participate in resolving EPA's enforcement actions. Also, remember that to preserve your rights, you need to comply with all rules governing the enforcement process.

***EPA is disseminating this information to you without making a determination that your business or organization is a small business as defined by Section 222 of the Small Business Regulatory Enforcement Fairness Act (SBREFA) or related provisions.***

**SANICEM LANDFILL SITE  
NOTICE LETTER DATED APRIL 23, 2004**

<b>U.S. Postal Service CERTIFIED MAIL RECEIPT</b> <small>(Domestic Mail Only; No Insurance Coverage Provided)</small>											
<b>Article Sent To:</b> <div style="border: 1px solid black; padding: 2px; margin-top: 5px;">Sanicem Landfill / Regal SE-SJ</div>											
<table style="width: 100%;"><tr><td style="width: 50%;">Postage</td><td style="width: 50%;">\$ 60</td></tr><tr><td>Certified Fee</td><td>230</td></tr><tr><td>Return Receipt Fee <small>(Endorsement Required)</small></td><td>175</td></tr><tr><td>Restricted Delivery Fee <small>(Endorsement Required)</small></td><td></td></tr><tr><td><b>Total Postage &amp; Fees</b></td><td><b>465</b></td></tr></table>	Postage	\$ 60	Certified Fee	230	Return Receipt Fee <small>(Endorsement Required)</small>	175	Restricted Delivery Fee <small>(Endorsement Required)</small>		<b>Total Postage &amp; Fees</b>	<b>465</b>	<div style="border: 2px solid black; border-radius: 50%; width: 100px; height: 100px; margin: 0 auto; display: flex; align-items: center; justify-content: center;"><div style="writing-mode: vertical-rl; transform: rotate(180deg);">CHICAGO, ILL 60604</div><div style="text-align: center;">APR 23 2004 USPS</div><div style="writing-mode: vertical-rl;">POST OFFICE</div></div> <div style="margin-top: 10px;"><small>Postmark Here</small></div>
Postage	\$ 60										
Certified Fee	230										
Return Receipt Fee <small>(Endorsement Required)</small>	175										
Restricted Delivery Fee <small>(Endorsement Required)</small>											
<b>Total Postage &amp; Fees</b>	<b>465</b>										
<table style="width: 100%;"><tr><td style="width: 20%;"><small>Name</small></td><td>Brown Road Group LLC</td></tr><tr><td><small>Street</small></td><td>c/o Fred Gordon, Esq.</td></tr><tr><td><small>City, State</small></td><td>Registered Agent</td></tr><tr><td></td><td>115 South Main Street, Suite 300</td></tr><tr><td></td><td>Royal Oak, MI 48067</td></tr></table>		<small>Name</small>	Brown Road Group LLC	<small>Street</small>	c/o Fred Gordon, Esq.	<small>City, State</small>	Registered Agent		115 South Main Street, Suite 300		Royal Oak, MI 48067
<small>Name</small>	Brown Road Group LLC										
<small>Street</small>	c/o Fred Gordon, Esq.										
<small>City, State</small>	Registered Agent										
	115 South Main Street, Suite 300										
	Royal Oak, MI 48067										
<small>PS Form</small>	<small>Instructions</small>										

<b>SENDER: COMPLETE THIS SECTION</b>	<b>COMPLETE THIS SECTION ON DELIVERY</b>								
<ul style="list-style-type: none"><li>■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li><li>■ Print your name and address on the reverse so that we can return the card to you.</li><li>■ Attach this card to the back of the mailpiece, or on the front if space permits.</li></ul>	<table style="width: 100%;"><tr><td style="width: 50%;"><b>A. Received by (Please Print Clearly)</b></td><td style="width: 50%;"><b>B. Date of Delivery</b> 4-26-04</td></tr><tr><td colspan="2"><b>C. Signature</b> X <i>M. Wolfe</i></td></tr><tr><td colspan="2"><b>D. Is delivery address different from item 1?</b> If YES, enter delivery address below:</td></tr><tr><td colspan="2"><div style="display: flex; justify-content: space-between;"><div><input type="checkbox"/> Agent <input type="checkbox"/> Addressee</div><div><input type="checkbox"/> Yes <input type="checkbox"/> No</div></div></td></tr></table>	<b>A. Received by (Please Print Clearly)</b>	<b>B. Date of Delivery</b> 4-26-04	<b>C. Signature</b> X <i>M. Wolfe</i>		<b>D. Is delivery address different from item 1?</b> If YES, enter delivery address below:		<div style="display: flex; justify-content: space-between;"><div><input type="checkbox"/> Agent <input type="checkbox"/> Addressee</div><div><input type="checkbox"/> Yes <input type="checkbox"/> No</div></div>	
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<b>C. Signature</b> X <i>M. Wolfe</i>									
<b>D. Is delivery address different from item 1?</b> If YES, enter delivery address below:									
<div style="display: flex; justify-content: space-between;"><div><input type="checkbox"/> Agent <input type="checkbox"/> Addressee</div><div><input type="checkbox"/> Yes <input type="checkbox"/> No</div></div>									
<b>1. Article Addressed to:</b>  Brown Road Group LLC c/o Fred Gordon, Esq. Registered Agent 115 South Main Street, Suite 300 Royal Oak, MI 48067	<b>3. Service Type</b> <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.								
<b>2. Article Number</b> <small>(Transfer from service label)</small> 7099 3400 0000 9591 6781	<b>4. Restricted Delivery? (Extra Fee)</b> <input type="checkbox"/> Yes								



**SANICEM LANDFILL SITE  
NOTICE LETTER DATED APRIL 23, 2004**

**U.S. Postal Service  
CERTIFIED MAIL RECEIPT**  
(Domestic Mail Only; No Insurance Coverage Provided)

Article Sent To:  
Sanicem Landfill / Regel SE-55

Postage \$ 6.50  
Certified Fee 2.00  
Return Receipt Fee (Endorsement Required) 1.75  
Restricted Delivery Fee (Endorsement Required) 4.00  
Total Postage & Fees 14.25

Postmark Here  
APR 23 2004  
LOOP STATION CHICAGO IL 60607

Name Jacob Properties  
Street c/o Mr. Steven E. Jacob, President  
1 Ajax Drive  
City Suite 102  
Madison Heights, MI 48071

PS Form Instructions

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3. Also, complete item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Received by (Please Print Clearly) <u>KATHERINE VESPA</u> B. Date of Delivery <u>4-27-04</u></p> <p>C. Signature <u>Katherine Vespa</u> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No If YES, enter delivery address below:</p>
<p>1. Article Addressed to:</p> <p>Jacob Properties c/o Mr. Steven E. Jacob, President 1 Ajax Drive Suite 102 Madison Heights, MI 48071</p>	<p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail  <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>
<p>2. Article Number (Transfer from service label) <u>7099 3400 0000 9591 6750</u></p>	<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>

PS Form 3811, March 2001

Domestic Return Receipt

102595-01-M-1424

Sanicem Landfill / Regel